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SUBJECT: CROATIAN POLITICIANS DERIDE LATEST GOTOVINA LEGAL
TEAM PLOY

1. (U) Croatian political leaders from President Mesic to HDZ presidential candidate Jadranka Kosor and Minister of Justice Skare-Ozbolt roundly condemned a January 5 letter sent by ICTY fugitive Ante Gotovina's lawyer, Luka Misetic, to the Luxembourg EU Chair and recently leaked to the press. In the letter, Misetic offers that Gotovina would surrender to the Tribunal if his case were transferred to the Croatian judicial system for processing. Reaction to the letter from the GoC was swift and negative, with most leaders repeating assertions that Gotovina must appear in The Hague.

2. (U) Minister of Justice Skare-Ozbolt issued a statement saying that "the grounds for an indictment or a lack thereof can only and exclusively be proven in legal proceedings before the court that approved the indictment." She further noted that only the ICTY Trial Chamber could approve a case transfer and only at the recommendation of the Chief Prosecutor. Assistant Minister of Justice Jaksa Muljagic, responsible for ICTY cooperation, stated clearly in several press interviews that such a transfer was out of the question in Gotovina's case as long as he was a fugitive.

3. (U) President Mesic said sarcastically that he wished Gotovina's lawyers luck with this tactic. Earlier this week in a nationally televised campaign debate in which he was asked what he would do if he saw Gotovina on the street, Mesic answered unambiguously that Croatia has a constitutional law on cooperation with the ICTY and that he would obey that law. HDZ presidential candidate Kosor, who flubbed her answer to the same debate question ("I wouldn't recognize him), responded to this letter's publication that "I don't think this attempt to resolve the case through the press is good for General Gotovina."

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